



Proposed OCP Amendments
SSMUH Implementation & DP Areas
Committee of the Whole
Tuesday April 9, 2024

Small-Scale Multi-Unit Housing (SSMUH)



Housing Statutes (Residential Development) Amendment Act, 2023 – Bill 44

- Adopted on November 30, 2023:
 - new housing needs reporting requirements;
 - Increases to residential densities;
 - requires OCPs be updated more frequently;
 - requires pre-zoning to accommodate a 20-year housing supply; and
 - changes to public hearing requirements.

Small-Scale Multi-Unit Housing (SSMUH)

Important Timelines

- Dec. 2023 – SSMUH policy manual and site standards released.
- Jan. 2024 – HNR instructions provided to local governments.
- Feb. 2024 – Details announced for \$51 million funding allocation.
- June 30/24 – Bylaws to be updated to accommodate SSMUH reqmts.
- July 2024 – OCP/zoning update instructions provided to municipalities.
- Dec. 31/24 – Interim HNR must be completed.
- Dec. 31/25 – OCPs and zoning bylaws updated based on interim HNR.

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Small-Scale Multi-Unit Housing

Proposed OCP Amendments

Small-Scale Multi-Unit Housing (SSMUH)

SSMUH Requirements :

- Bill 44 introduced the concept of a “restricted zone” into the *Local Government Act*.
- A “restricted zone” is one in which a local government has only allowed the following:
 - single family dwelling;
 - duplex;
 - secondary suite; or
 - accessory dwelling.




Small-Scale Multi-Unit Housing (SSMUH)

R1 – SINGLE FAMILY RESIDENTIAL

.1 Permitted Uses


The following uses and no others are permitted in the R1 zone:

- 
- .1 one single family dwelling;
 - .2 accessory buildings;
 - .3 church;
 - .4 home occupation;
 - .5 *(Removed by Amendment Bylaw No. 1085.105)*

R2 – SINGLE FAMILY RESIDENTIAL SMALL LOT

.1 Permitted Uses


The following uses and no others are permitted in the R2 zone:

- 
- .1 one single family dwelling;
 - .2 accessory buildings;
 - .3 church;
 - .4 home occupation;
 - .5 *(Removed by Amendment Bylaw No. 1085.105)*

R3 – LOW DENSITY RESIDENTIAL

.1 Permitted Uses

The following uses and no others are permitted in the R3 zone:

- 
- .1 one two family dwelling;
 - .2 one single family dwelling;
 - .3 church;
 - .4 home occupation;
 - .5 accessory buildings;
 - .6 *(Removed by Amendment Bylaw No. 1085.105)*

RSS – SINGLE-FAMILY RESIDENTIAL STRATA ZONE

.1 General Permitted Uses

The following uses and no others are permitted in the RSS zone:

- .1 single family dwelling
- .2 home occupation
- .3 accessory building

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SSMUH Requirements :

- If a local government has a “restricted zone” in its zoning bylaw the Act states that it **must**, by June 30, 2024, use its zoning powers to do one of the following:
 - allow 2 dwelling units per parcel; or
 - allow 3-4 dwelling units per parcel.



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SSMUH Requirements :

- Bill 44 also introduced the following requirement into the *Local Government Act*:
 - ... a local government must consider applicable guidelines, if any, under section 582.1 [provincial policy guidelines related to small-scale multi-family housing].



Small-Scale Multi-Unit Housing (SSMUH)

Provincial Policy Manual:

- On December 7, 2023, the Minister released a Policy Manual related to Small-Scale Multi-Unit Housing (SSMUH);
- the Manual includes recommended approaches to development permit area designations.
- Council should create “a favourable regulatory environment” for new building forms in areas traditionally reserved for detached single-family and duplex homes.



Small-Scale Multi-Unit Housing (SSMUH)

Provincial Policy Manual:

- *local governments in BC commonly use DPAs to achieve objectives that are outside the purposes prescribed in the LGA, and which can be regulated in other more appropriate ways.*
- DP area guidelines can negatively impact the viability of small-scale multi-unit housing development and local governments are encouraged to consider alternate approaches.



Small-Scale Multi-Unit Housing (SSMUH)

Important Considerations:

- ... *local governments are discouraged from using DPAs to control the form and character of SSMUH developments up to six units in all but exceptional circumstances. [emphasis added]*



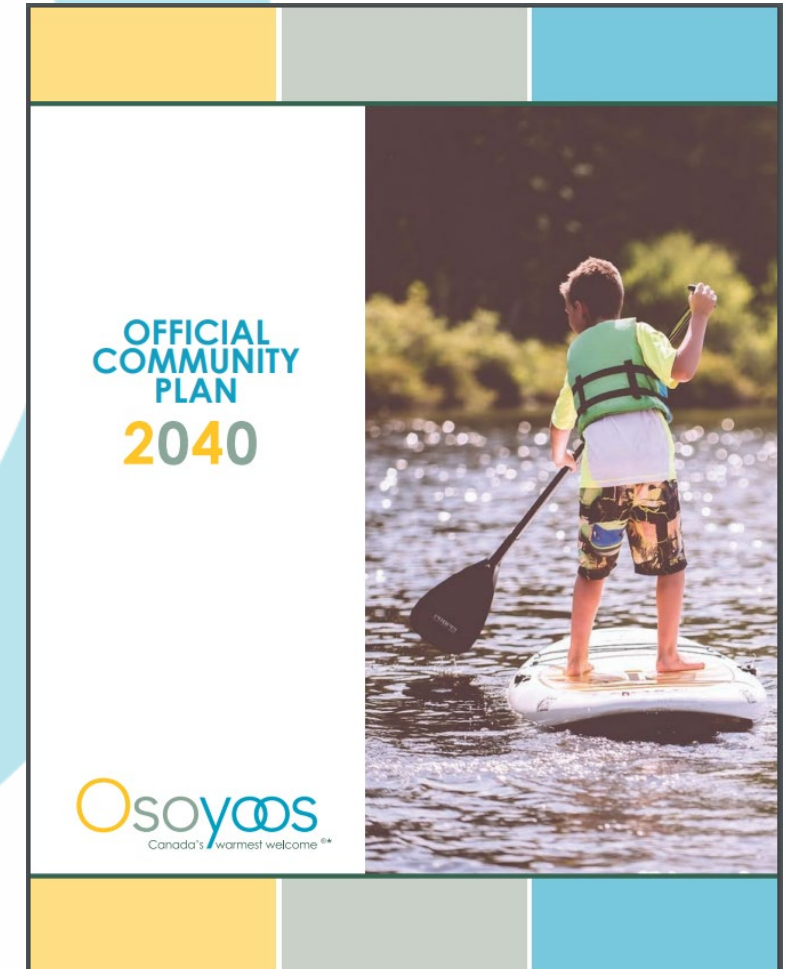
Small-Scale Multi-Unit Housing (SSMUH)

Proposed OCP Amendments Residential Policies

Small-Scale Multi-Unit Housing (SSMUH)

OCP Policies:

- The Town's current OCP contains two separate residential land use designations:
 - “Low- to Medium-Density Residential” (LMR); and
 - “Medium- to High-Density Residential” (MHR).



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OCP Policies:

- The “Low- to Medium-Density Residential” (LMR) permits “densities of no more than **35 units per hectare**” in the form of:
 - single detached dwellings,
 - townhouses,
 - four-plexes.
 - accessory dwellings,
 - triplexes; and
- This is a very low density (i.e. duplexes generally require 45 units/ha).

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OCP Policies:

- The “Medium- to High-Density Residential” (MHR) permits “densities of no more than **75 units per hectare**” in the form of:
 - “-plex” developments;
 - “stacked” townhouses; and
 - “low-rise” to “mid-rise” apartment buildings (4 storeys).
- This level of development is generally associated with Medium Density Residential *only* (i.e. not “High”).

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OCP Policies:

- *Support comprehensive development as a key element of smart growth principles advocating for higher density development within pre-defined areas ...*
 - maximum density for CD zones is not stated;
 - previous CD zones have permitted densities greater than 75 units/ha and heights greater than 4 storeys;
 - not clear where “pre-defined” areas for CD developments are located.

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Proposed OCP Amendments:

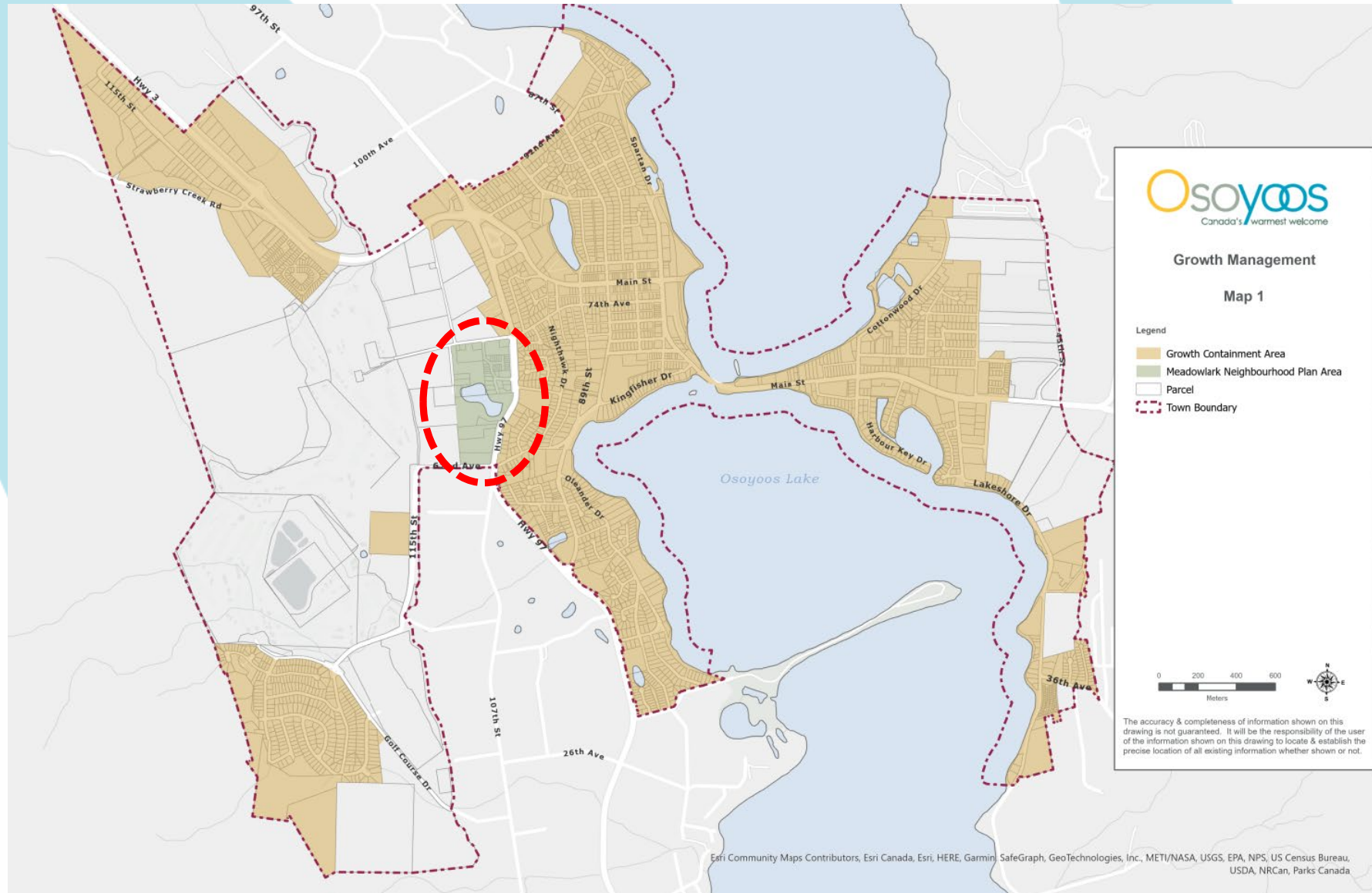
- Policies contained at Section 7.B (Residential) have been reviewed and revised to reflect new provincial directions:
 - Low Density Residential (LR) supports a maximum density of four (4) units per parcel, subject to servicing;
 - Medium Density Residential (MR) supports townhouses and apartment buildings to 75 units per hectare; and
 - Comprehensive Development policies be consolidated with other land use designations.

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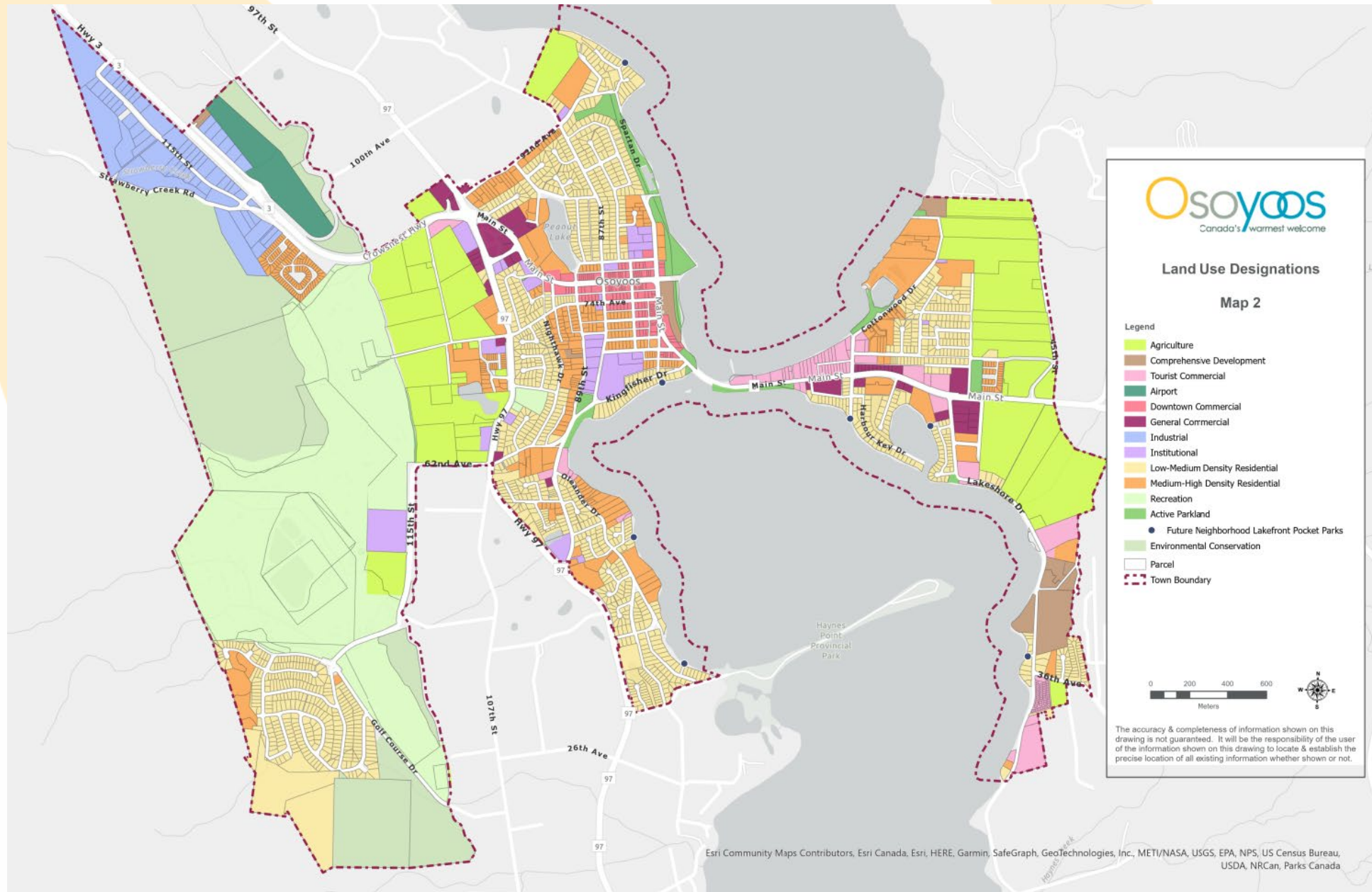
Proposed OCP Amendments:

- Map Schedules have been updated to reflect proposed changes to land use designations:

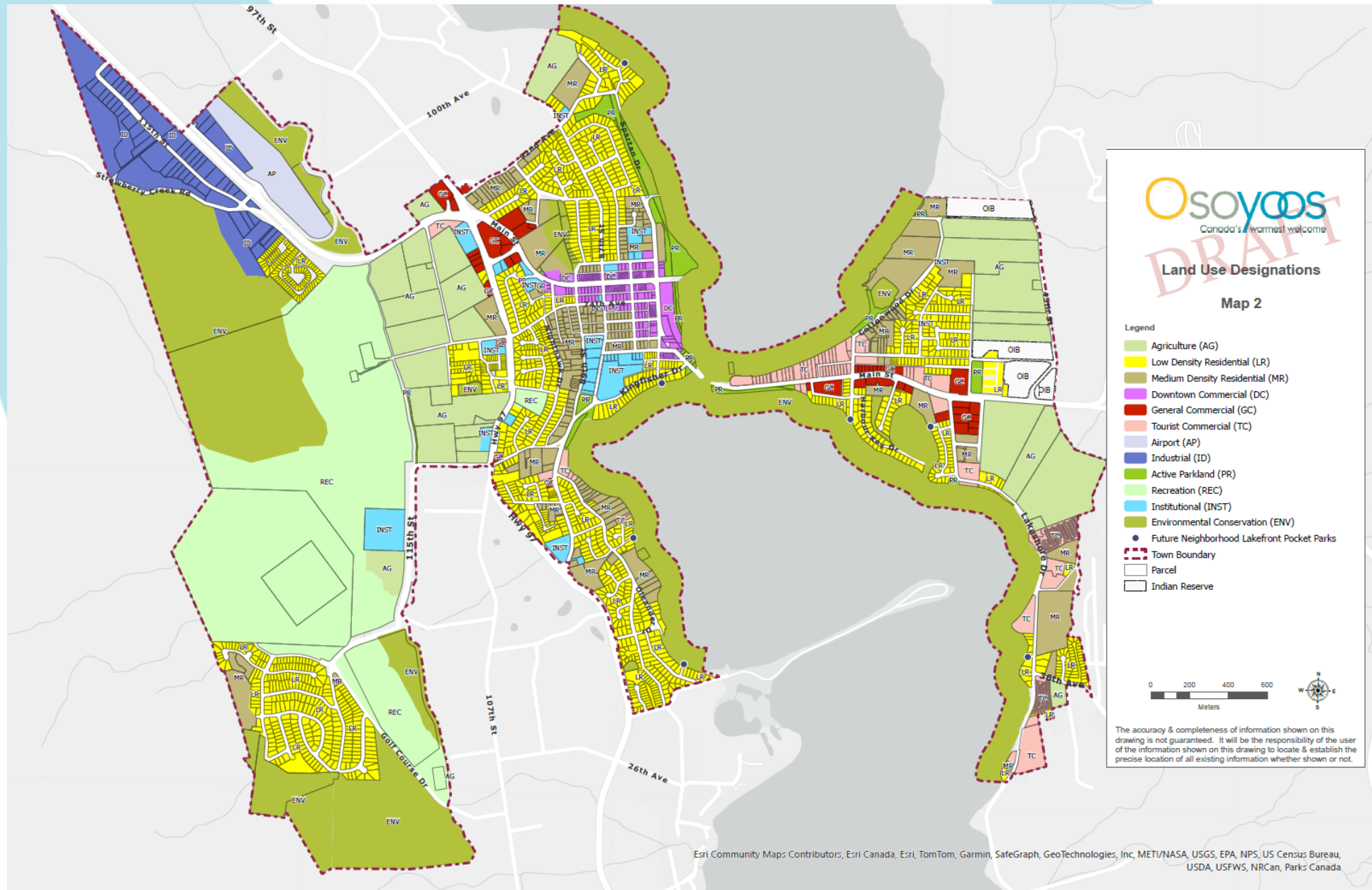
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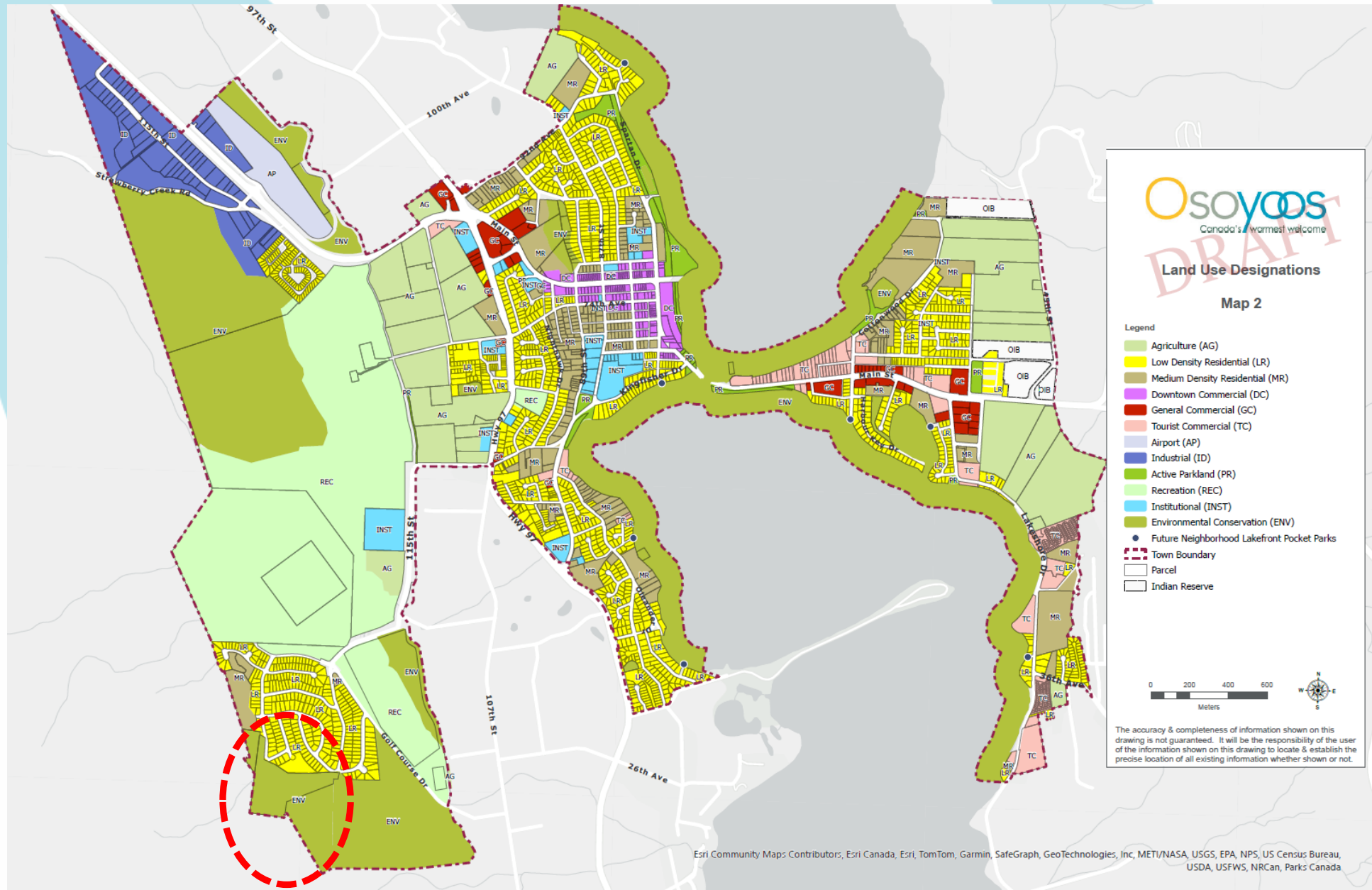
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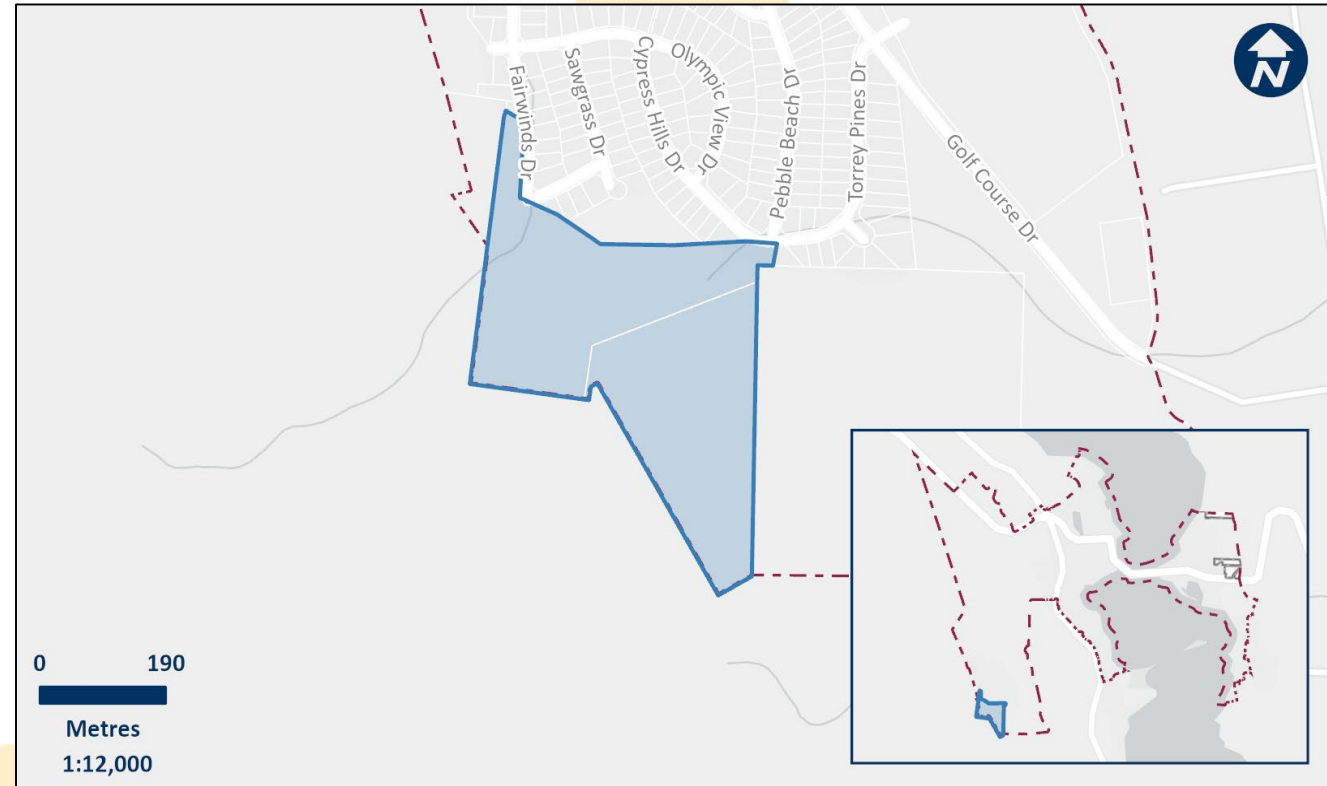


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Supports the release of Crown land in the West Bench, and shown on Figure 7.B.1, for residential development due to the limited land available to meet the Town's anticipated housing needs;



Small-Scale Multi-Unit Housing (SSMUH)

5.B. LAND USE DESIGNATIONS

Land uses shall be distributed throughout the Town in accordance with Map 2, which outlines the land use designations described in the table below.

Land Use Designation	Description	Building Types	General Uses	Zones
Agriculture	Lands that allow for growing, producing, harvesting, storage, processing, and sale of agricultural goods.	<ul style="list-style-type: none">• Agricultural buildings• Detached houses	<ul style="list-style-type: none">• Agriculture• Residential	AG – Agricultural
Low-Medium Density Residential	Lower density neighbourhoods that provide some forms of infill and multi-family development that are compatible with the existing neighbourhood character.	<ul style="list-style-type: none">• Single detached houses with secondary suites or carriage homes• Small homes• Townhouses• Duplexes, triplexes, four-plexes• Manufactured homes	<ul style="list-style-type: none">• Residential• Places of worship• Care facilities	R1 – Single Family Residential R2 – Single Family Residential Small Lot R3 – Low Density Residential R4 – Manufactured Home Park R5 – Manufactured Home Strata Development RSS – Single Family Residential Strata R6 – Medium Density Residential

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Small-Scale Multi-Unit Housing (SSMUH)

Proposed OCP Amendments:

- Proposed to delete Table 5.B (Land Use Designations); and
- Incorporate references to description, uses and building types as policies under each Land Use Designation at Section 7 of the OCP.

Small-Scale Multi-Unit Housing (SSMUH)

**Proposed OCP Amendments
Development Permit Areas**

Small-Scale Multi-Unit Housing (SSMUH)

Council Resolution (2024-02-13):

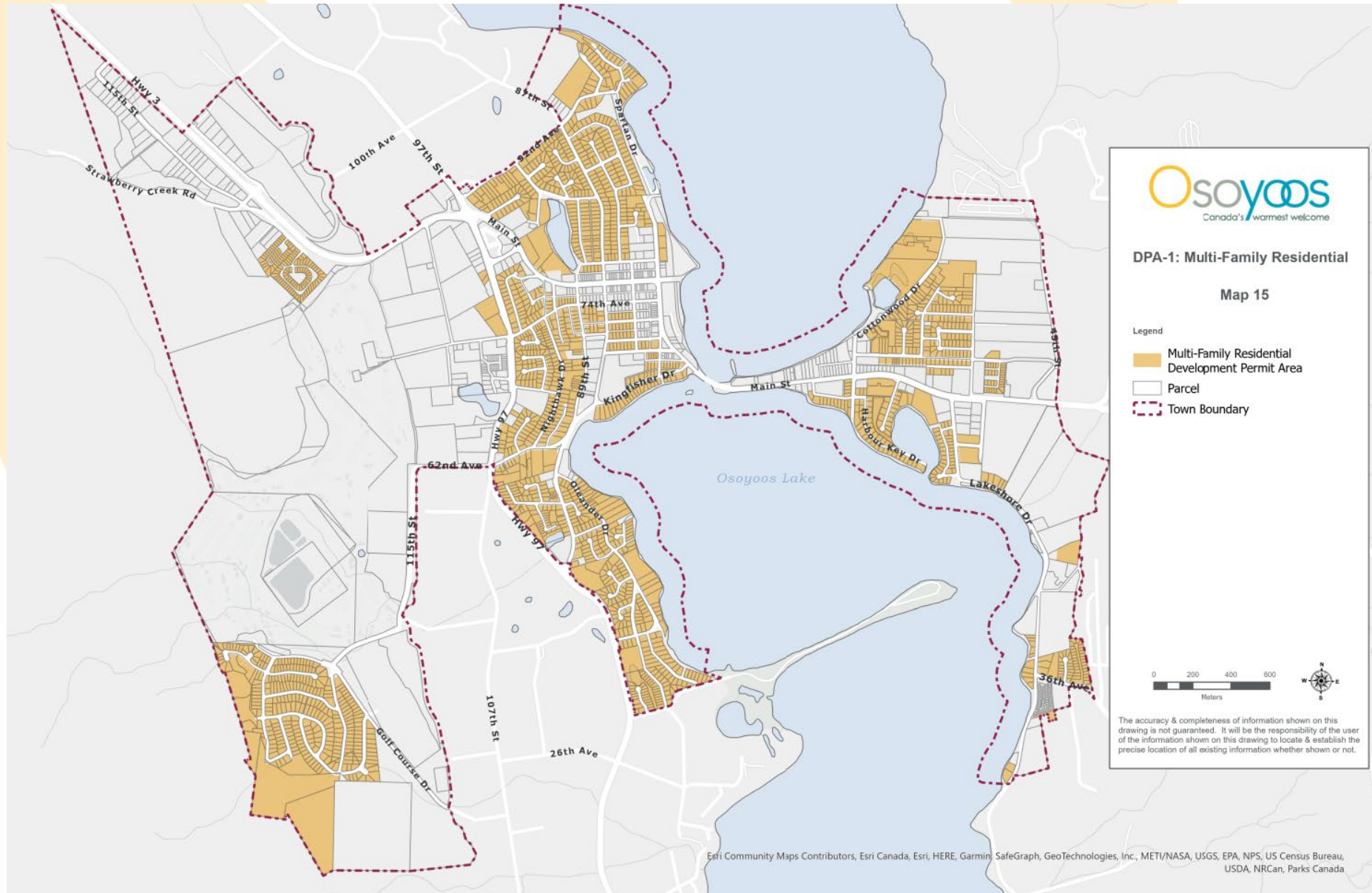
- That the Southeast Meadowlark and Hillside Development Permit Area designations as well as related policies be repealed;
- That the Multi-Family, Mixed Use and Commercial Development Permit Area guidelines and mapping be revised in accordance with the Provincial Policy Manual & Site Standards (Small-Scale, Multi-Unit Housing); and
- That Map 20, being the OCP map schedule for the ESDP Area and Riparian DP be reviewed and separated into two (2) separate map schedules.

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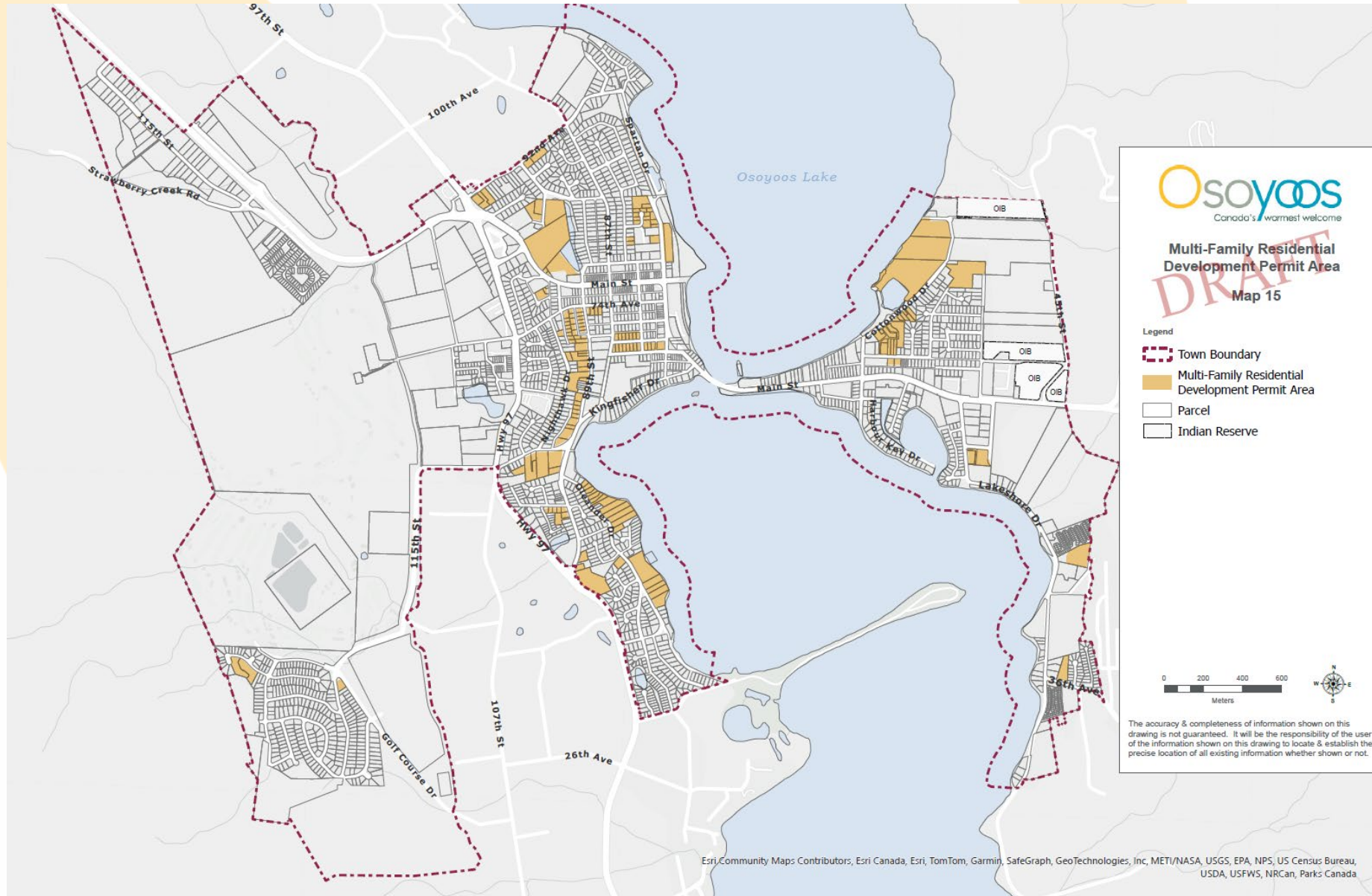
Form & Character DP Areas:

- Multiple Family, Commercial and Industrial DP Guidelines have been reviewed for SSMUH consistency and clarity:
 - Guidelines related to landscaping; water & energy consumption and GHG reductions have been removed;
 - Consistent sub-sections have been introduced (i.e. “Category”, “Development Requiring a permit”, etc.);
 - Removal of application requirements (to be transferred to LUP Bylaw).

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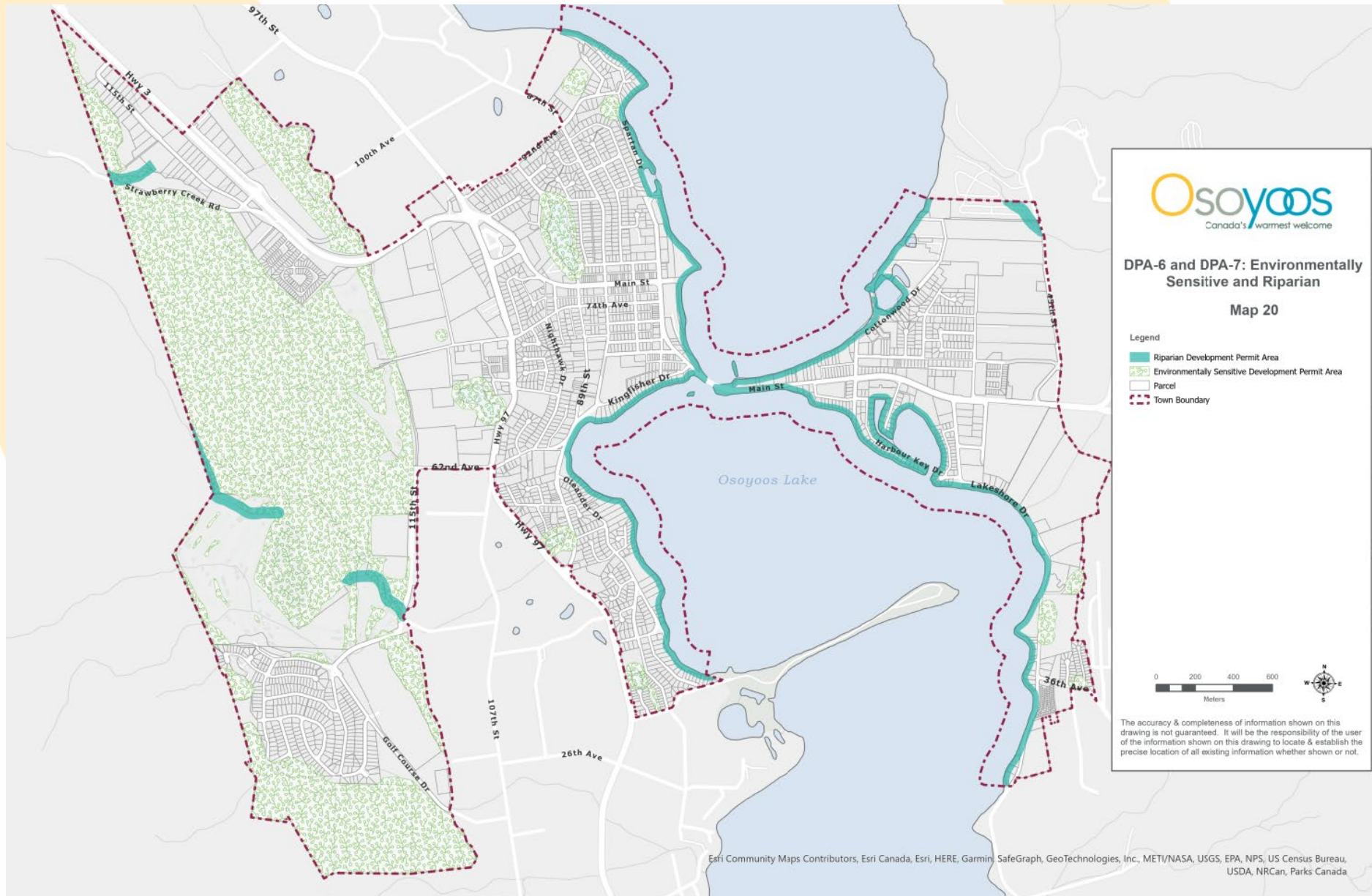


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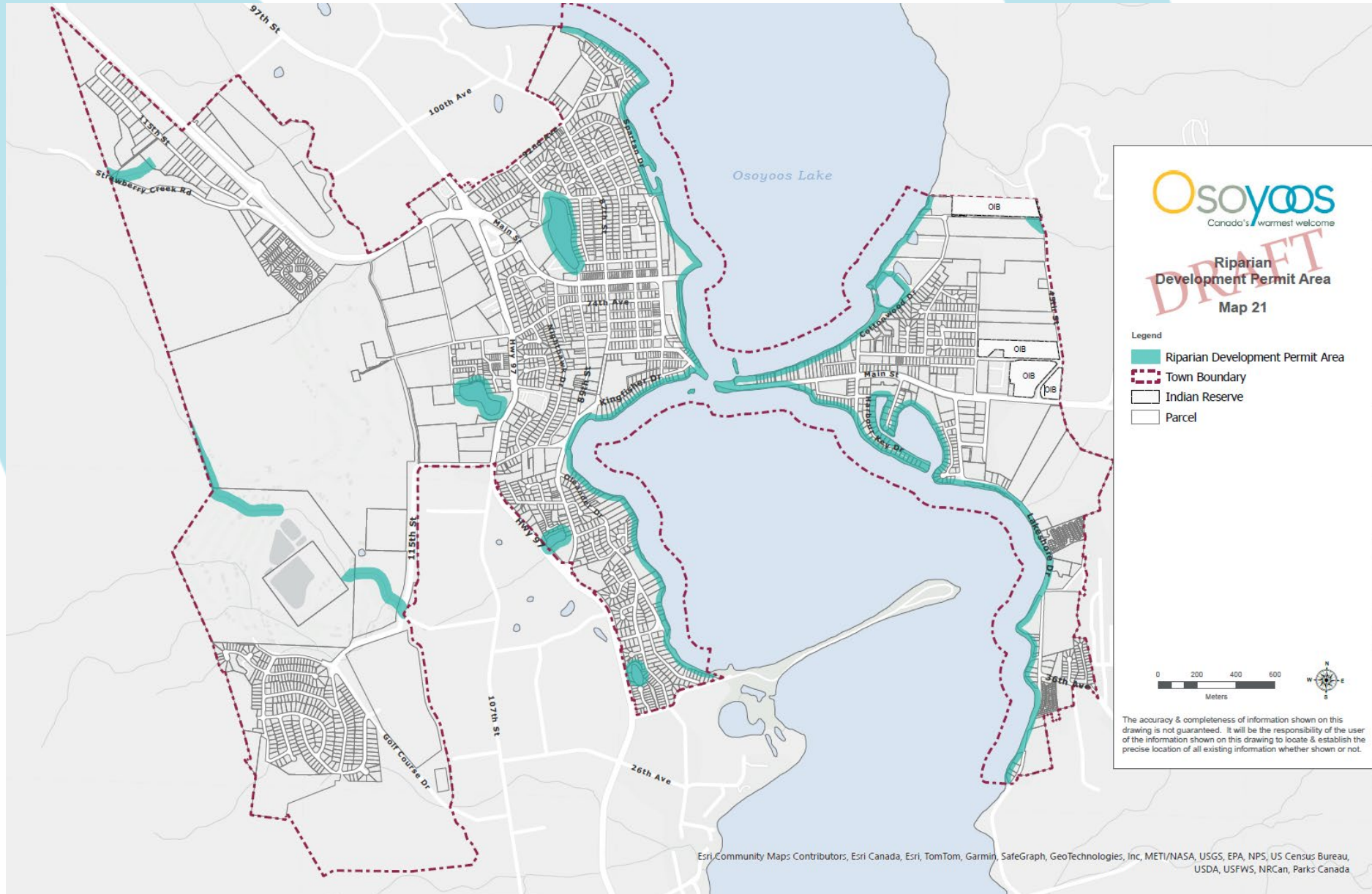
Environmental DP Areas:

- Environmentally Sensitive and Riparian DP Guidelines have been reviewed:
 - Application requirements proposed to be moved to Land Use Procedures Bylaw.
- Mapping has been revised:
 - Separate maps for RDP & ESDP Areas;
 - ESDP areas revised to provide consistency (i.e. golf course).

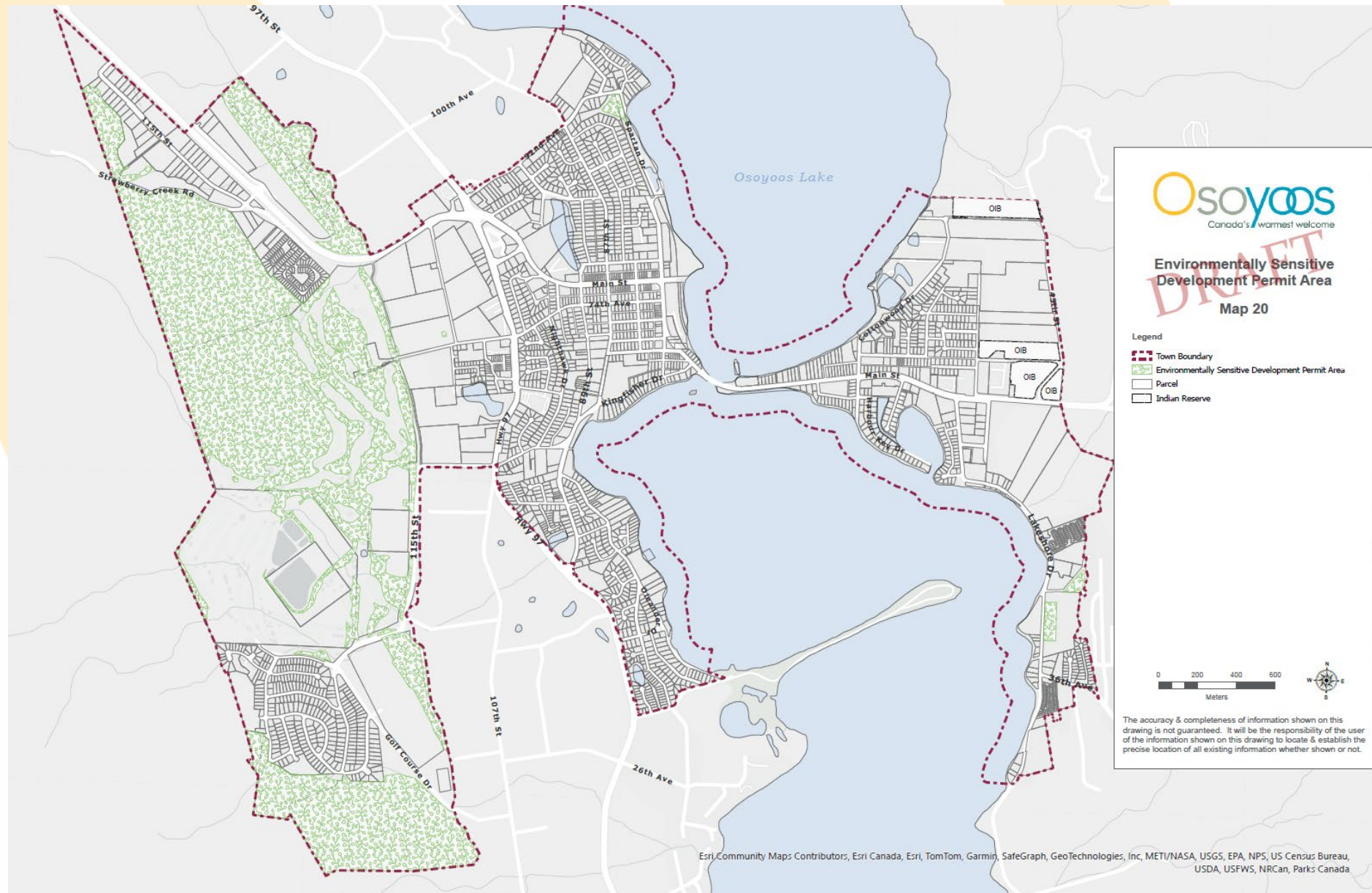
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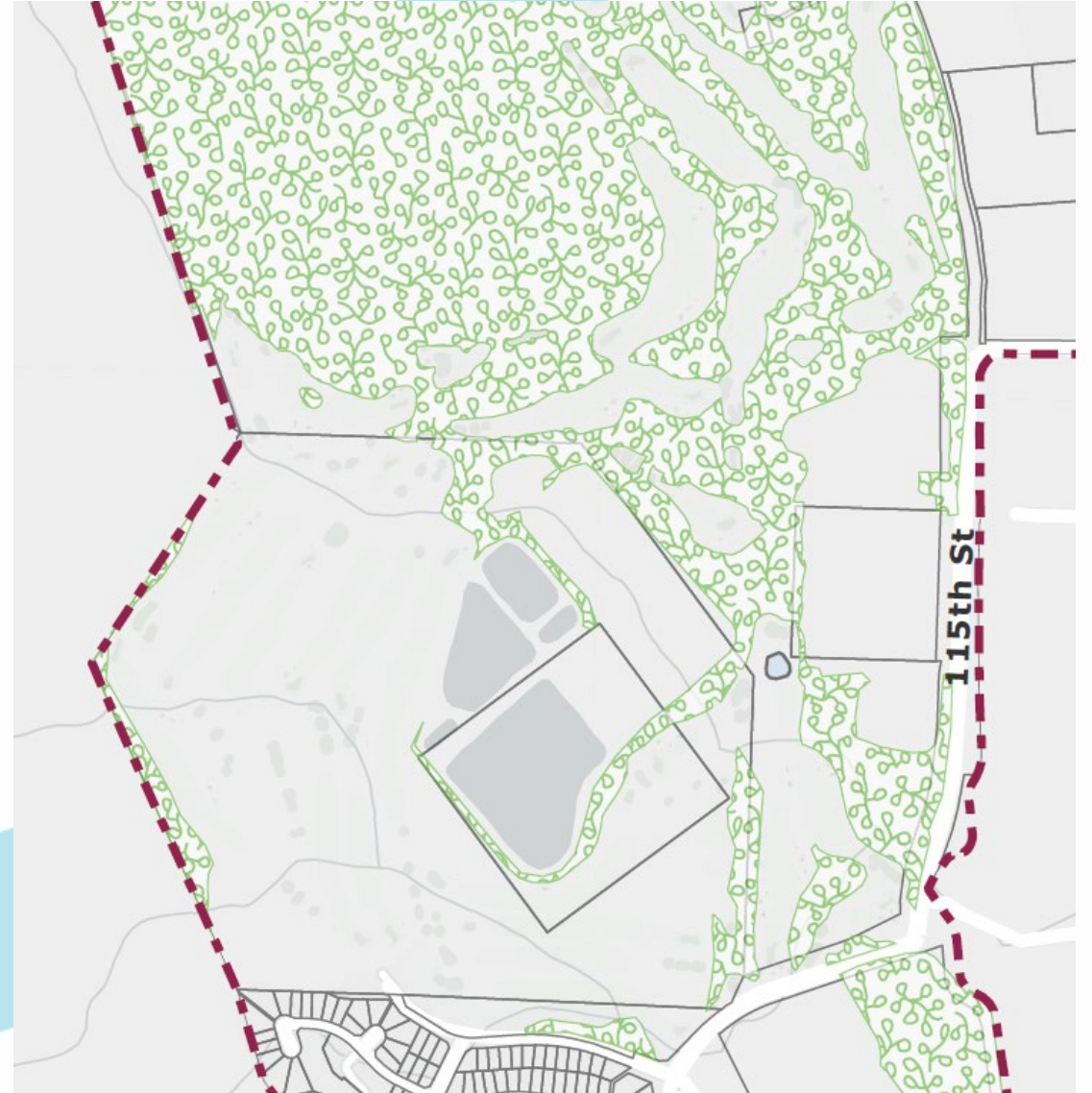
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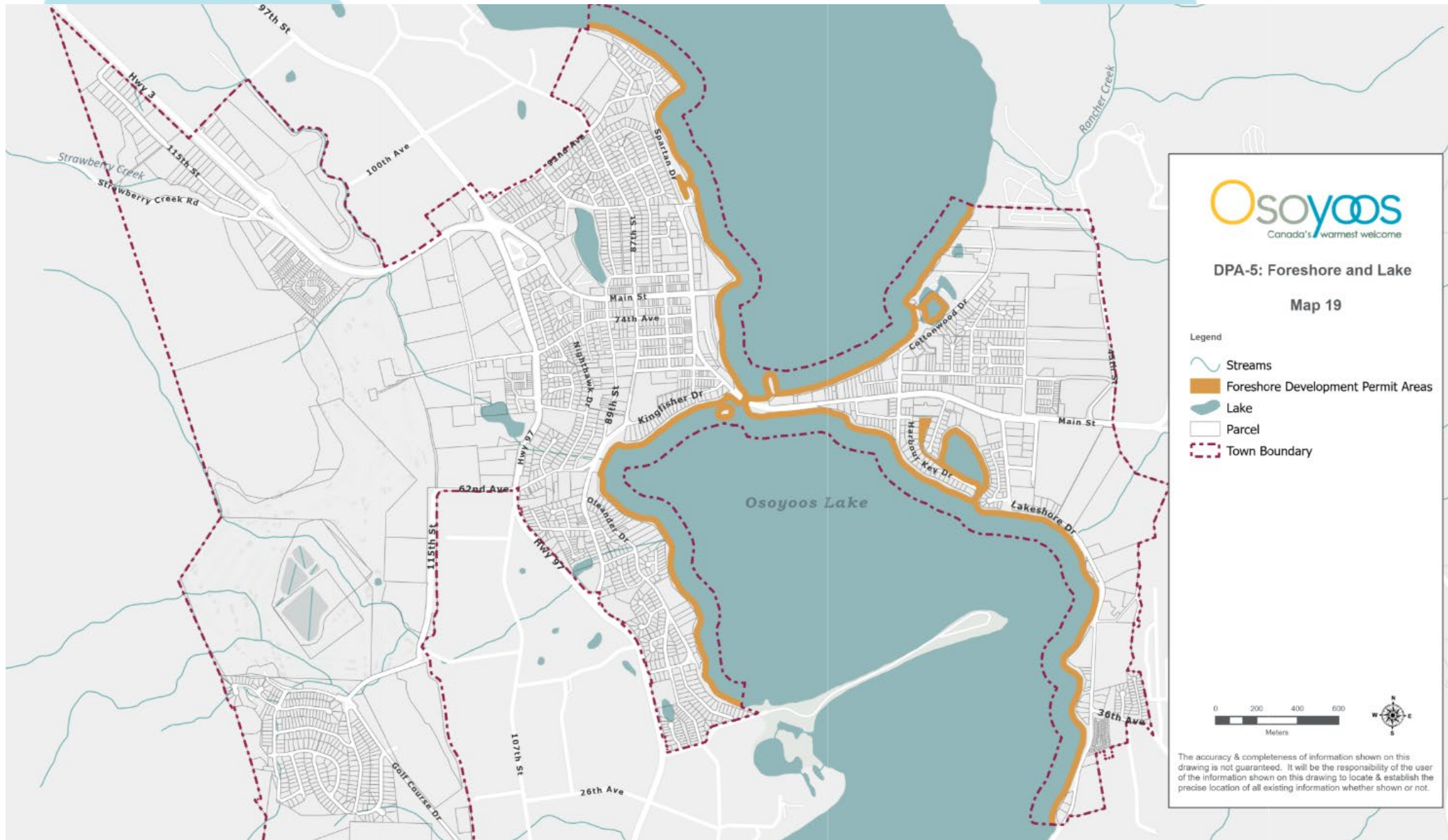


Small-Scale Multi-Unit Housing (SSMUH)

Foreshore & Lake DP Area:

- applies to parts of Osoyoos Lake (i.e. 30 metres below HWM);
- purpose is to protect lake from private moorage facilities;
- enacted under s. 488 of the *Local Government Act*:
 - protect the natural environment;
 - promote energy conservation;
 - promote water conservation;
 - reduce greenhouse gas emissions.

Small-Scale Multi-Unit Housing (SSMUH)



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Foreshore & Lake DP Area:

- Guidelines speak to achieving the following:
 - retention of stormwater through green design;
 - inclusion of recycling and refuse facilities;
 - incorporation of energy efficient design (EV Charging);
 - sustainable construction methods (restoration of buildings);
 - inclusion of amenities such as bike lockers, showers and landscaped outdoor shared spaces.

Small-Scale Multi-Unit Housing (SSMUH)

Foreshore & Lake DP Area:

- Many Guidelines do not provide sufficient direction to property owners in order to achieve compliance:
 - *Minimize impact on the natural state of the Osoyoos Lake foreshore and water whenever possible.*
 - *Locate facilities in a manner that minimizes potential impacts on fish spawning and rearing habitat areas.*
 - *Only use materials that are environmentally-friendly for structures that are above water.*

Small-Scale Multi-Unit Housing (SSMUH)

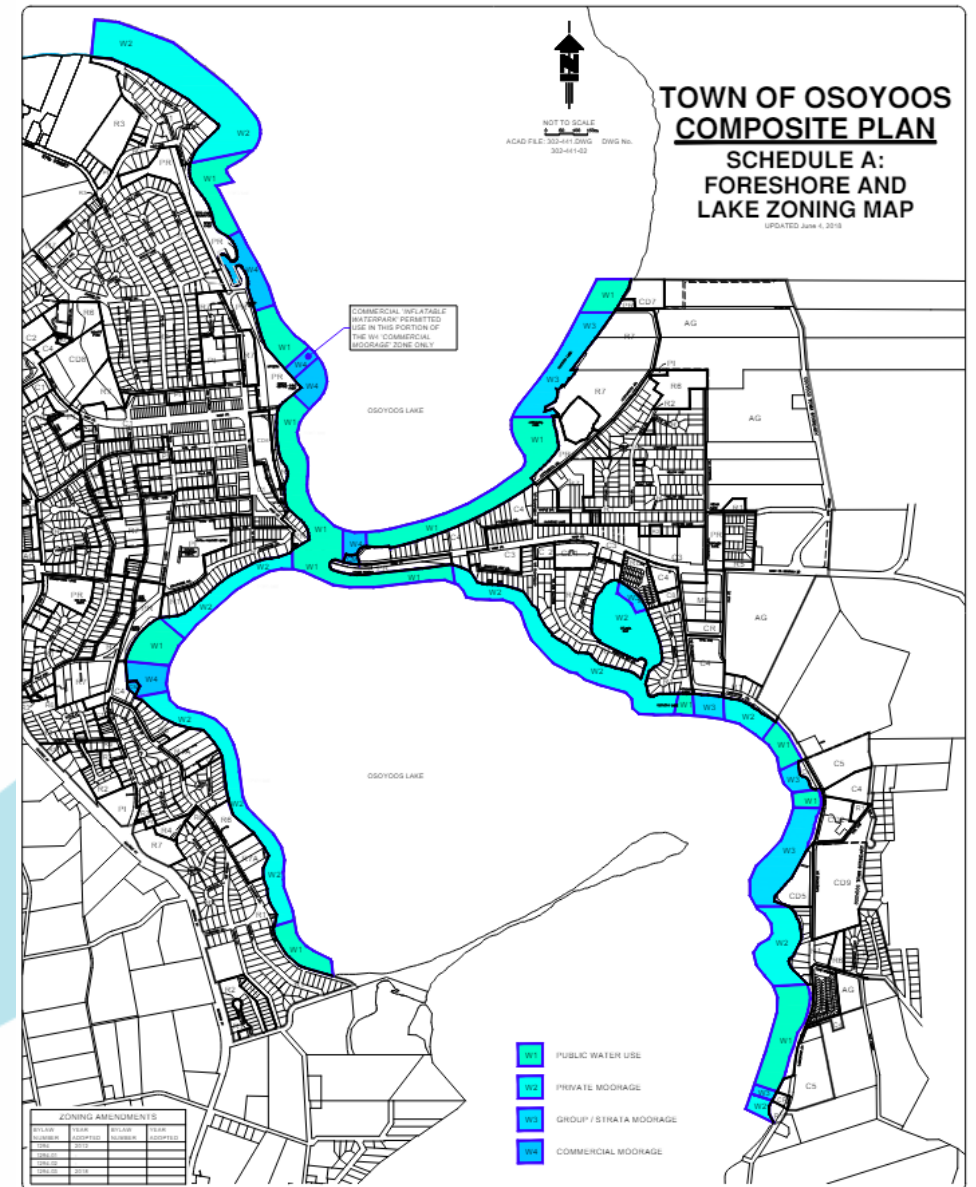
Foreshore & Lake DP Area:

- Other Guidelines may be more appropriately located in the zoning bylaw or building bylaw*:
 - *... to avoid grounding and to prevent impacts by prop wash ...a minimum 0.8 m water depth ... is required.*
 - *Do not use crib foundations or solid core structures ...*
 - *Do not use treated lumber ...*
 - *Do not use rubber tires ...*

Small-Scale Multi-Unit Housing (SSMUH)

Foreshore & Lake Zoning Bylaw:

- Applies to the whole of the lake within municipal boundaries.
- Purpose is to “promote environmental sustainability of Osoyoos Lake, foreshore and adjoining upland areas.”
- Regulates uses, size and location of docks, platforms & boat lifts.



Small-Scale Multi-Unit Housing (SSMUH)

Foreshore & Lake DP Area:

- Obtaining a DP requires the submission of the following:
 - An Environmental Monitoring Plan prepared by a qualified environmental professional (QEP);
 - A Site Plan showing features on upland property; and
 - A Landscape Plan prepared by a registered Landscape Architect showing existing vegetation, stream bank protection and maintenance of hydrological functions.
- Appears to be a duplication of Riparian DP Area, which applies to land 30.0 metres above the high water mark of Lake.

Small-Scale Multi-Unit Housing (SSMUH)

Foreshore & Lake DP Area - Recommendation:

- That the Foreshore and Lake DP Area be repealed.

Small-Scale Multi-Unit Housing (SSMUH)

DP Enforcement:

- Proposed that a new “Offence” section be added to the OCP stating the following:
 1. *No person shall commence any development on lands within any development permit area without obtaining a valid development permit.*
 2. *The development of land in contravention of the terms or conditions of a development permit that has been issued under Section 489 of the Local Government Act is prohibited.*

Small-Scale Multi-Unit Housing (SSMUH)

DP Enforcement:

- Ticketing provides an alternative enforcement tool to the submission of a performance security.
- Monitoring and administration of securities can be burdensome.
- Not uncommon for securities to be abandoned as the “cost of doing business” or not worth completing outstanding works for.
- Proposed that new fine of \$1,000 for DP infractions be introduced to the MTI Bylaw.
- Securities not be required for works less than \$15,000.

Small-Scale Multi-Unit Housing (SSMUH)

Next Steps:

- Initiate OCP Amendment Bylaw:
 - External agency referrals
 - Public notification (e.g. newspaper notice, email notifications, posting info to website, public info meeting, etc.)
- Council consideration of 1st reading at a forthcoming meeting.
- Drafting of new Zoning Bylaw will continue during this process.



QUESTIONS?